



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Barkur G. BHAT *et al.*

Appl. No.: 09/267,199

Filed: March 12, 1999

For: **Nucleic Acid Molecules and Other
Molecules Associated with the
Tocopherol Pathway**

Art Unit: 1631

Examiner: Marjorie A. Moran

Atty. Docket: 16517.233

Confirmation No. 6701

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
SEP 24 2003
TECH CENTER 1600/2900

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed June 17, 2003, that resulted in Applicants having claims that have been twice or finally rejected.

The official fee for this filing was paid with the previous appeal submitted on July 10, 2002 (Arnold & Porter Check No. 201443). Thus, it is not believed any fees are due in conjunction with this Notice. However, if any additional fees are due in conjunction with this filing, authorization to charge such fees is given in the accompanying transmittal letter.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)

Holly Logue Prutz (Reg. No. 47,755)

Date: September 16, 2003

ARNOLD & PORTER
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
202.942.5000 telephone
202.942.5999 facsimile

61

AF 9631

ARNOLD & PORTER

202.942.5000
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206



September 16, 2003

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RECEIVED
SEP 24 2003
TECH CENTER 1600/2900

Re: U.S. Patent Application Serial No. 09/267,199
Filed: March 12, 1999
Inventors: Barkur G. BHAT *et al.*
Title: Nucleic Acid Molecules and Other
Molecules Associated with the Tocopherol Pathway
Atty. Docket: 16517.233

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The statutory fee of \$320.00 for filing a Notice of Appeal was paid (by Arnold & Porter Check No. 201443) with the previous appeal submitted on July 10, 2002. Therefore, it is believed that no fees are due in connection with this filing.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing docket number 16517.233. A duplicate copy of this letter is enclosed.

Sincerely,

David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

Enclosures